THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No.25306 of 2006

06-12-2006

Between:-

E. Gangaiah and five others.

Petitioners

And

State of Andhra Pradesh,
Rep., by District Collector, Chittoor district,
Chittoor and two others.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 25306 of 2006

Oral order:

The petitioners assail the draft notification dated 13-07-2006 published in the Telugu daily on 27-07-2006, under Section 4 (1) of the Land Acquisition Act, 1894 (for short 'the Act') proposing acquisition of their lands in Tandlam and Tukivakam villages, Renigunta mandal, Chittoor district for the purpose of laying approach road to the lands of the Tirupathi Urban Development Authority. Urgency clause has not been invoked and enquiry Section 5-A of the Act shall therefore have to be conducted. The petitioners assailed the notification on several grounds; that they are small and marginal farmers; there are other lands in the area which will pose a lesser drain on the exchequer, and that the acquisition of the petitioners' land is economically imprudent. The petitioners are at liberty to putforth all these objections in the inquiry under Section 5-A of the Act. As the petitioners have such an opportunity, no case is made out for interference in this writ petition.

The writ petition is accordingly dismissed at the stage of admission after hearing the learned Government Pleader for Land

Acquisition, preserving liberty to the petitioners to raise all available objections in the inquiry under Section 5-A of the Act. Till the petitioners are served with a proper notice seeking their objections and their objections if any submitted, are considered by the competent authority, the decision taken by the competent authority on the petitioners' objections is communicated and until such decision is communicated to the petitioners by registered post acknowledgement due, the petitioners shall not be dispossessed. No costs.

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GODA RAGHURAM, J

Dated:06-12-2006
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